

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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(sd-2354)

DOCKET NO.:

MARIE ELENA MCCARTHY AND NEIL TANICO,

Plaintiffs,

NOTICE OF REMOVAL

-against-

TARGET CORPORATION,

Defendant.

Defendant.

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TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK:

Defendant, TARGET CORPORATION, ("Target"), by its  
attorneys, SIMMONS JANNACE DELUCA, LLP, Mary C. Azzaretto, of  
counsel, upon information and belief, respectfully petitions the  
Court, pursuant to 28 U.S.C. § 1441, as follows:

1. In December 18, 2020, the above-captioned civil action  
was commenced and is now pending in the Supreme Court of the  
State of New York, County of Westchester. A trial has not yet  
been had therein. A copy of the Summons and Complaint is  
annexed as **Exhibit "A"**. Target served an answer to plaintiff's  
Complaint on February 10, 2021. A copy of the Answer is annexed  
as **Exhibit "B"**.

2. The action seeks monetary damages for injuries  
allegedly suffered by plaintiffs, MARIE ELENA MCCARTHY and NEIL

TANICO, allegedly caused by defendant. Plaintiffs' complaint sounds in negligence.

3. The action involves a controversy between citizens of different states, in that: (a) plaintiffs are citizens of the State of New York; and (b) defendant is now, and was at the time the action was commenced, incorporated pursuant to the laws of the State of Minnesota with its principal place of business in Minnesota.

4. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between defendant and plaintiffs. In addition, the amount in controversy exceeds \$75,000.

5. This Notice of Removal is being filed within thirty (30) days after receipt by defendant of plaintiffs' Combined Discovery Responses which alleges damages in excess of \$75,000.

6. Written notice of the filing of this Notice of Removal will be given to plaintiffs promptly after the filing of this Notice.

7. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Westchester promptly after the filing of this Notice.

8. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

9. By filing this Notice of Removal, defendant does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest in personam jurisdiction over defendant, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

**WHEREFORE**, defendant prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Westchester, be removed therefrom to this Court.

Dated: Hauppauge, New York  
May 4, 2021

**SIMMONS JANNACE DELUCA LLP**

BY: s/ Sal F. DeLuca  
Sal F. DeLuca  
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TARGET CORPORATION  
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